

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FEDERAL HOME LOAN MORTGAGE CORPORATION,

Plaintiff,

v.

**ORDER**

Civil File No. 13-1243 (MJD/AJB)

ROBI J. BRIGGS, et al.,

Defendants.

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Curt N. Trisko, Schiller & Adam, P.A., Counsel for Plaintiff.

William B. Butler, Butler Liberty Law, LLC, Counsel for Defendants.

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On August 29, 2013, Chief United States Magistrate Judge Arthur J. Boylan granted in part and denied in part Plaintiff's Motion to Remand with Costs and Fees [Docket No. 4] by granting the motion to remand and denying the request for costs and fees. [Docket No. 18] Defendants filed an objection to the August 29 Order. [Docket No. 20]

Assuming without deciding that a motion to remand is dispositive<sup>1</sup>, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the August 29 Order [Docket No. 18].

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion to Remand with Costs and Fees [Docket No. 4] is **GRANTED IN PART** and **DENIED IN PART** as follows: Plaintiff's motion to remand is **GRANTED** and Plaintiff's request for costs and fees is **DENIED**.
2. This action is REMANDED to the District Court for the First Judicial District, Carver County, Minnesota.

Dated: September 24, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court

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<sup>1</sup> Compare Moline Machinery, Ltd. v. Pillsbury Co., 259 F. Supp. 2d 892, 895 n.1 (D. Minn. 2003) ("Within this District, and within this Circuit, Motions to Remand a State Court proceeding, whose removal to Federal Court has been effected, are recognized as nondispositive Motions, which are within the referral jurisdiction to this Court . . .") (citing cases), with Williams v. Beemiller, Inc., 527 F.3d 259, 265-66 (2d Cir. 2008) (holding that motion to remand should be treated as a dispositive motion).